

CRAWFORD & HINESLEY, P.C.

Attorneys at Law

7805 Waters Avenue, 7-B
Savannah, Georgia 31406
Telephone
(912) 352-3964

Post Office Box 15306
Savannah, Georgia 31416
Facsimile
(912) 351-9245

William F. Hinesley, III

0543382

January 31, 2007

The Honorable Lamar W. Davis, Jr.
Judge, United States Bankruptcy Court
125 Bull Street
Savannah, GA 31401

VIA HAND DELIVERY

RE: Adam Gnall v. David & Sharon McClain
ADVERSARY PROCEEDING NO. 06-04047
OUR FILE NO.: 33255

R E C E I V E D
JAN 31 2007

LAMAR W. DAVIS, JR.
U.S. BANKRUPTCY JUDGE

Dear Judge Davis:

At the conclusion of the trial in the referenced matter on January 17, 2007, you offered the parties the opportunity for additional briefs. After reviewing the evidence and updating the law I have already provided, I find that there is little for me to add. As you noted at the conclusion of the evidence, the Plaintiff has been left to deal with a train wreck, and Defendants should not be able to discharge this debt.

I did discover that one of the cases provided in my Proposed Findings of Fact and Conclusions of Law has been upheld on appeal. **See, In re: Horton, 204 Bankr. 477 (E.D. Va. 1977).** Unfortunately, the District Court opinion focuses on the denial of discharge under 11 U.S.C. § 727 and does not address the specific issue before the Court.

You also asked that we supplement the record with Mr. Gossett's work records. Attached at Tab 1, you will find a chronological list of tasks performed on the property by Mr. Gossett with labor and material costs included. At Tab 2, Mr. Gossett has broken out those tasks which he considered abnormal repairs. A summary of the charges associated with those items is shown on the last page of this material. Finally, at Tab 3, you will find a breakdown of labor and material costs associated with the project. Should you have questions of Mr. Gossett, or should Ms. Register desire to examine

him on these issues, both he and I are available at the Court's convenience.

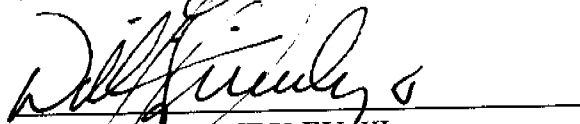
Finally, Mr. Gossett located a computer disk containing a total of 309 photographs of the property., some of which are duplicates of those already in evidence and some of which provide additional photographic evidence. Since the Court's instructions did not specifically allow for the introduction of additional photographic evidence, I do not enclose the disk with this letter. Should you feel that such photographs would be helpful, I will be glad to arrange a convenient time for Ms. Register to view the disk and submit the same to the Court.

In conclusion, I reiterate my position: the damage done to this property is severe and completely out of the ordinary. It rises to the level of willful and intentional and should not be subject to discharge.

Thank you for your attention to this issue.

Respectfully,

CRAWFORD & HINESLEY, P.C.

A handwritten signature in dark ink, appearing to read "William F. Hinesley, III", is written over a horizontal line.

WILLIAM F. HINESLEY, III

For the Firm

WFH/

enclosures

cc: Christie Register

TASK Accomplished
W/O 19-20 & 23 Sept

- ① Sand & Re Seal Wood 2nd Coat
- ② Final Cleaning
- ③ Door W x Stoppons
- ④ Paint all Exterior Repairs
- ⑤ Dump Run
- ⑥ Shave Wood Floor
- ⑦ Prep - Law Suit Claim
- ⑧

TASK A/D

3 Oct 05

- ① Caulk Kit Sink

TASK W/P 10th - 16th Sept.

- ① Accounting - P/U Materials Toilet Traps - Fan Trap - Paint Trap
- ② Replace Toilets - Remove Master - Attempt Unstop
Buy install New
- ③ Shoe Mold
- ④ Kit Light
- ⑤ Caulk
- ⑥ Kitchen Cabinet Door Clamp Clean Up
- ⑦ Repair Rear Gate Hinge - Lock
- ⑧ Rew - Plug Gas line @ Stove
- ⑨ Reinstall Sink P/b Door
- ⑩ Photo's
- ⑪ Caulk Paint - Dining Rm - Great Rm - ^{Ceiling/Base} Caulk Windows
- ⑫ Caulk Bath Sinks
- ⑬ Paint Bifolds - ~~Stuck~~
- ⑭ Sand line off Tub handles
- ⑮ Put n - Air Fresh
- ⑯ Re Ass Fans (2) - Wash light Globes - Hunt for Missing Globe Screws (Tenant lost)
- ⑰ Repair Dog chew Marks on Baseboard (Kit)
- ⑱ P/U Laminati - Install
- ⑲ Nail Shoe/Quarter n - Bathrooms
- ⑳ Towel - T.P. Towel Rings - Pegs
- ㉑ Pull Cable from Roof & Port
- ㉒ Adj all doors
- ㉓ Floor Strips Tubs
- ㉔ Vacuum Whole House

Chas / Mile @ 25 hrs

- (25) Siding
- (26) Trash to Trash
- (27) Nail shoe hold /
- (28) Gate latch
- (29) Whole day Termite Corner
- (30) Paint (C)
- (31) Elec Cover Plates
- (32) Trim Paint
- (33) Rplc Hot Light Ballast
- (34) Re Mount Stove Outlet
- (35) Replace Stack Vent Seal
- (36) Replace Missing Ridge Vent
- (37) Replace Gutter guard Missing on Front

W/O E9 Aug - 9 Sept

- Put HVAC Registers Back in - Paint Screws
- Put Lights Up - ^{Laundry} - Hall Bath - Master Bath - Master Closet - 1st Bed Rm - Hall - BKfst - Pantry - Ceiling Fan
- Spatter Paint walls -
- Rmv / Rplc Toilets - Stove
- Pictures for Adam
- Pressure Wash Drive - Sidewalk - Patio - Gutters
- Bleach white wood on Exterior Windows
- Scrape / Sweep / Vac All floors / Baseboard - Paint Prep
- Paint Seat Carpet Floors w/ Hlps
- Paint Walls 1st Coat
- Paint Ceiling 2nd Coat
- Paint Trim 1st Coat
- Install New hinges & Knobs & Door Stops - ^{Re-Hang} Doors
- Tear Down - Rmv Shed
- Clean Joint Crmpl from TRim (overspray w/ walls)
- Re-attach Upper Pantry Cabinet to wall & ecchothru.
- Rmv - Patio Partwork
- Walls Sanded Holes filled - Patched Large Holes.
- Caulk Trim / Ceiling / Walls
- Tape Outlets / Switches
- Repair 1st B/R Ceiling
- Replace Patio & Entry Cedar
- Replace Gable Vent
- Paint & Replace Bath Vent Cover - Ice Cover - Wash
House Cover - Rmv Jammed hose connectors
- Several Trips to Depot - 2 for Rental
- Sand / Ship / - 1st Coat Sealer to Wood Floor

□ Re-stack - Bricks Around Front Walk/Drive.

□

TASK AS of 22-26 Aug

- Painted HVAC Registers & Sand Rust off
- Installed Drywall - Insulation -
in Repaired Walls - Replace Window TRIM
- Numerous Dry wall holes thru entire
house all Walls & Windows - (2 Apps of ~~Mud~~)
- Repair Ceiling Joint in 1st Bed Rm
- Sand Laundry Walls from Wallpaper
Removal (Previous Note) -
- Finish Taping Windows CABINETS
- Put Faucet handles on Master Bath Lav -
Water Cutoffs - Glued Sink in place
- Clear Gutters
- Install Door Trim on: Front door - Patio
Linen Closet -
- Replace Bulbs - w - Fluorescent Fixture (1/2 of
Light does not work) Probably Ballast
- Put Cedar 2x4's on Repaired Areas
- Put Base Boards on -
- Sweep Floor & Vac in Prep for Kik on
Monday -
- Installed Crown in 1st B/R
- Re Nailed Door Casings 1st B/R & Laundry
- Bondo on L/R Window & Entry Dead Bolt
& Strike latch Holes to Repair Dog damage &
over cuts of Trim.
- R/R Patio Door Assy / Window Assy -
Framing - Sheathing - Tyvek wrap -

- ☐ Install Lead/Brass - Glass Window assey
in Entry Door
- ☐ Master Bedroom Window Replaced - Tomlinson

TASK W/O 10-17K Aug
11 E. White Hawthorne
Gnall

- ① □ Stack Vent Flash Chas
- ② □ Ridge Cap Chas
- ③ Siding Chas
- ④ Termite Corne @ Garage Down Spout (Chas)
- ⑤ Paint interior 2nd wall coat Both
- ⑥ Paint " 2nd TRim Both
- ⑦ Replace Florescent Ballast Chas
- ⑧ Replace M-Bath & Hall Toilet - (M-Bath 2times) Me
- ⑨ Replace Gutt Guard Chase
- ⑩ Nail / Cut / Caulk Shoe / $\frac{1}{4}$ Rnd Termite Both
- ⑪ Shutters (Garage 2time.) Chase
- ⑫ Covers elec Both
- ⑬ Mount Range Plug Chas ~~Me~~
- ⑭ Cap of / Rm - Range Me
- ⑮ Paper Work Me
- ⑯ Laminate M-Bth Vanity Me
- ⑰ Re Mount Med Cab Chase
- ⑱ Clean all house - (Reed)
- ⑲ ~~Re Mount~~ Load TRASH on TRaction M-L
- ⑳ Towel Bars - T. P. Holders Me
- ㉑ Vac house Me
- ㉒ Repair Stove Cab Counter Ends Me
- ㉓ Rm V. Cable Across Front Me
- ㉔ Strip Wood Floor Re Seal Me
- ㉕ Mount Bi Fold. Folds - Re Mount Attic Cat Me
- ㉖ Re Assy Fans / Din lite /
- ㉗ Sand Tub handles

- 30 Putty Base Board Dog Chew Marks Kot Me
- 31 Men Heels
- 32 Put Up Air Freshners
- 33 Wash 2 Fan Lite Globes
- 34 Find Sours Missing From Motor Fan
- 35 Caulk all Windows
- 36 Caulk Janty Sinks
- 37 Rear Gate Repair
- 38 Front Gate Repair
- 39 Repair / Reple Cab Door Kitchen
- 40 Hot Root M/Bath Toilet - Rms -
- Food/Rocks / Tooth Brush - Photo's
- 41 Clean Up Exterior Saw Areas - Mike
- Shed to Tele for Damp Room.

11 E. White/Hawthorne

Completed w/08-12 Aug

- ① Pick Up 95% of Supplies/Material
- ② R/Rplc HVAC Filter Housing
- ③ R/Rplc Stove Vent Hood
- ④ R/Rplc all painted outlets - Switches - Coverplates
- ⑤ Rmv all light Fixture for Ceiling Paint
- ⑥ Rmv all A/C Registers to Paint
- ⑦ R/Rpl all Screens - Build missing ones
- ⑧ Rmv all Carpet & Pads
- ⑨ Rmv 12" VTC Tile from Laundry - Hall Bath - Bath closet
- ⑩ Rmv - L/R ceiling Fan
- ⑪ Cover Kit Cab/Counter Prior to Paint
- ⑫ Circuit Map Power Panel
- ⑬ R/Rplc Patio/Front Entry Lamps
- ⑭ Move all TRASH out of house
- ⑮ " " " out of Shed
- ⑯ Move all TRASH from Around House
- ⑰ Remove Pipes -
- ⑱ Remove all door Knobs & hinges
- ⑲ Remove all Broken door stops from Base
- ⑳ Remove all Blinds
- ㉑ R/Rplc Hall Vanity
- ㉒ Rplc Toilet Seats
- ㉓ Rmv - Door Casing from Laundry Rm prep for Drywall repairs
- ㉔ Rmv door Broken Kit Cabinet door.

- (25) R/Rpt Center Bed Rm door assy w/ New
Pre-Hung Unit
- (26) Remove staples-Nails - Thumb Tacks from walls -
prep of Painting.

Funds

\$ 2000. ⁰⁰	CASH Adv.
\$ 358. ⁰⁰	LABOR Jeff cot one (gal)
\$ 897. ⁵⁰	LABOR ME " "
Chgd 76. ¹⁷	Depot my CARD
Chgd. 297. ⁴⁷	Depot my CARD
Refund <137. ²⁹ >	REFUND Depot CASH
C \$1278.01	CASH Depot
C 497.02	CASH Depot
Chgd 616. ⁷¹	Master CARD Door Assy - Cedar (Gaster)
3882. ⁵⁹	Spent To date
- 2000. ⁰⁰	CASH Adv.
\$1882.59 Due as of 12 Aug	

973-335-0393 FAX

ajirob@Att.net -

Tennant Damaged P 1 of 5

- ✓ ① Screens - Repair/Replace
- ✓ ② Repair Patio Cedar from: Door Replace Scratches
* Forced Entry * Dog Chewing
- ✓ ③ Clean Truss From Patio ^{Shed} ^{Inside}
~~Shed~~ ~~Inside~~ ^{Shed} ^{Inside}
- ✓ ④ Replace Patio Door. ^{Forced Entry Frame Bent - Glass scratched up both panel by Dog}
- ✓ ⑤ Repair Mail Box - Tighten (1/2 hr)
- ✓ ⑥ Clean Gutters - Press Wash - Re Paint
- ✓ ⑦ Repair Gutter Down ~~See~~ Spots: ^{Crushed Missing from Previous Yrs Repair}
- ✓ ⑧ Replace Door Trim - Dog Scratches ^{Front & Pantry Bath Hall}
- ✓ ⑨ Repair L/R Window Trim - Dog Chewed
- ✓ ⑩ Repair 1st BR Door Frame - Abuse Frame Split down hinge - ^{side}
- ✓ ⑪ Repair Laundry Bi-fold - Abuse - (Removed)
- ✓ ⑫ Replace Broken 6'0 x 6'8 Bi-fold Assy - Abuse
pivot points shattered - Blue Red Pm.
- ✓ ⑬ Replace Broken Door Frame - (^{Replaced Free Hanging by Middle Bedroom of Paint & Frame Damage})
- ✓ ⑭ Replace All hinges - Painted
- ✓ ⑮ Replace All door knobs - Missing parts
- ✓ ⑯ Replace "door Stops - Abuse - ^{Removed by Tenn.}
- ✓ ⑰ Replace Hall Vanity - Abuse water damage -
Door Broken off - 1/4 handles Missing - ^{Sink BKN Loose}
- ✓ ⑱ Replace Shoe Mold & Water damage ^{Master Bedroom Bath}
- ✓ ⑲ Re Mount Pantry upper Cabinets - Pulled off.
- ✓ ⑳ Repair Kit Sink Door Broken & ~~Part~~ Missing
1 knob on

- (21) ✓ Dbl door Damage - Portion Broken off (Lit.)
- (22) Replace All outlets/Covers/Switch - Painted - T.J./Pho
- (23) ✓ Replace Broken L/R Ceiling Fan
- (24) Replace Toilet Paper/Towel Rings. Broken or Painted Both Sides
- (25) ✓ Replace Broken HVAC Filter Housing - Abuse
- (26) ✓ Repair Master Bath Vanity Water damage toilets OverFlow
- (27) ✓ Replace Missing Siphon Bibb Jac Breaker Anti Siphon
- (28) ✓ Replace Broken/Missing Tub drain Plugs (2 ea)
- (29) ✓ Hall Sink Missing Stopper Replaced
- (30) ✓ Reinstall Master Bath Stopper to Sink
- (31) ✓ Replace Front entry w x strap - dog
- (32) ✓ Replc All Carpet Dog/Kids/Fleas
- (33) ✓ Final Clean Crew - 250.00 + (60.00 Joe Me) 310.00
- (34) ✓ Replace Damaged Gate Latch - Front House (House)
- (35) ✓ Re Mount Rear Hinge Gate
- (36) ✓ Admin - Accounting - Photos ext.
- (37) ✓ Sand time off rub knobs (Neglect)
- (38) ✓ Re-assemble Fan's Clean Globes Center-Master Bed Rms.
- (39) ✓ Pest Control - Preferred Fleas - \$110.00
- (40) ✓ Termite - \$1600.00
- (41) ✓ Repair Master Bath Vanity Water Damage: Laminate Toilets
- (42) ✓ Spotter Coat all Interior Walls - Abuse - Rental Eqt.
- (43) ✓ Repaint w/ Kilz - all Ceilings/Walls - Abuse - Waller Marks on ceiling -

P 3 of 2

- ✓(44) Rmo - Rple Water Damage Vinyl Floors in Both Baths / Laundry
- ✓(45) Tear down Shed ~~(Done)~~ Rmv To Dump
- ✓(45) Remove all Damage Blinds from Windows
- ✓(46) Numerous Holes in wall from doors - & Laundry - ~~Sofa/Love seat Bed frame~~ ~~All Rms - Bath~~ - Free Rm T.V. See Photo w/ Adm sitting @ Adm (1/18 Window)
- ✓(47) Remove Rmfrs - Abandon ? @ To Dump
- ✓(48) Time to Call Police for Abandon Car (1 hr) ←
- ✓(49) Remove Numerous Staples from Walls ~~Blue/Green / Master Rm.~~
- ✓(50) Repair Ceiling in 1st B/R - Fall Thru - Approx 5 ft Long
- ✓(51) Install Crown to Cover Dry Wall Repair ~~1st B/R~~ ~~3 months~~ ~~Step~~ ~~Thru~~
- ✓(52) Press Wash exterior -
- ✓(53) Scrape Floors - (fleas)
- ✓(54) Paint Floors - (fleas) + Kilts)
- ✓(56) Rmoe Carpet Tack - (Fleas.)
- ✓(57) Re-Stack Bricks @ Side Walk - Boarder Trim - Throw all over exterior By Kids -
- ✓(58) Strip / Sand Refinish Wood Floor @ Entry.

Tennants Cost

\$7,412.00

✓19000

Cochran Labor Drywall (Labor) ✓

✓4000

Picture

✓358.00

Labor Faulk (Labor) ✓

✓897

" Me (Labor) ✓

#27

✓79.29

Rental texture Sprayer ✓

✓2500

Marcus Labor ✓

✓57.50

Vince lights - Vents - After Paint (Labor) ✓

✓57.50

Milkidoo's hinges/knobs/Stops (Labor) ✓

990.00

Me Labor ✓

✓1430.00

" " ✓

✓965

" " ✓

✓510

" " ✓

#47 ✓250.00

Decorative Cleaning

✓1532.50

Me Labor

Kilts 18.32 #54 ✓
 dump 11.23 #58 ✓
 slide 66.71 #12 ✓
 door 76.17 #6 ✓
 Eled. 297.47 #7 ✓
 → <137.79> #7 ✓
 1278.01 #10 ✓
 401.08 #11 ✓
 304 #51 ✓
 6.00 #50 ✓
 87.91 #49 ✓
 67.83 #48 ✓
 87.24 #53 ✓
 1 Bath
 only
 repair
 Meyer's

66.04 #25 ✓
 500.13 #16 ✓
 2100 #14 ✓
 500 #15 ✓
 12.68 #1st 34 ✓
 21.00 #2nd 36 ✓
 187.42 #37 ✓
 <116.44> #38 ✓
 3000 #40 ✓
 106.22 #41 ✓
 3200 Cedar #17 ✓
 4350 #18 ✓
 11.95 #19 ✓
 1000

710.00 Termite
 Flea
 Band ✓
 Rental 79.29
 Pictures 40.00
 \$11,820.00
 Tennants Responsibility
 \$11,853.32
 MEL

#'s over on
Receipts then go with

40.00	WALMART Pictures		C
358.00	Laber Faulk		C
897.	LABOR Me		C
#6 76.17	Depot (see #16)		Chg
#7 297.47	" (See #16)		Chg
#9 <137.79>	RTN Vanity		Rtn (C)
#10 278.21	Depot		C
#11 497.02	"		C
#12 616.71	M/c chg - Gaster - Door - Cedar		M/c
(57.42	Tyvek Wrap)	*	C
#13 <36.76>	Depot = 24.31 CASH		C
	(12.45 Rtn My CARD)	*	RTN
#14 <82.57>	Depot = 24.02 CASH		C
	(58.57 My CARD)	*	My CARD
#15 263.55	Depot CASH		C
#16 500.00	Depot CASH	For #6 76.17 / #7 297.47 / #12 57.12 / #13 12.45 / #14 58.57 = [502.13]	C
#17 61.35	Depot		C
#18 43.50	Depot		C
#19 119.5	Depot		C
#20/44 190.00	LABOR - Marcus Cochran	✓ 90.00 CK # 327 / 100.00 CASH	My CARD
4.00	Sears Vac Bags		C
#22 100.00	Temlinson Glass		CK 326
#23 55.00	Window Front door Cost Me 70.00		
#24 <44.56>	RTN'S 29.32 CASH		C
25	15.24 My CARD *		My CARD
#25 61.04	57.05 CASH		C
	9.99 #333		CK 333

#26	67.56	Depot		CK335
#27	79.29	Depot	Rental	CK334
#28	315.00	LABOR	Chas	CK330 ✓
#28	25.00	LABOR	Marcus	CK 336 ✓
#30	120	"	Vince Carter	CK 339 ✓
#31	96	"	Michael Marks	CK 340 ✓
#32	57.50	"	Vince	CK 341 ✓
#33	57.50	"	Michael	CK 342 ✓
#34	12.48	Depot		C
#35	423	"		C
#36	31.02	"		C
#37	187.47	"		CK 344 ✓
#38	<30.95>	Refund Depot		C
#40	48.58	Depot		C
#41	106.77	Depot		CK 337 ✓
#42	990.00	LABOR Me	} pd CK# 4433 for \$3000.00 on 15 Sept	3-10 Sept
#43	1430.00	LABOR Me		29-3 Sept
#44	965.00	LABOR Me		22-29 Aug
#45	510.00	LABOR Me (Fem Enall 404084 Invoice)		15-20 Aug
#46	710.00	Preferred Rest		CK 321 ✓
#47	250.00	Post Const Cleaning Dechristofano		CK 346 ✓
#48	67.83	Depot		My CARD
#49	87.94	Depot [4.22 store cred]	(83.14 my CARD)	My CARD
#50	23.95	Depot		C
#51	3.04	True Value		C
#52	<52.27>	Depot RTN store credit		RTN
#53	87.24	Meyer Laminat (CASH) Make Bath Vanity cover		CK# 349 ✓

$\leftarrow 11,622.10$ Labor / Material As of 16 Sept.
 $\leftarrow 11,700.00$ CK's Rwd $2000 - 4000 - 2700 - 3000 =$

~~78.00~~
~~76.00~~
~~Due Today~~
 #50 $\leftarrow 27.21$ Store CARD Left on CARD
 #60 } 1532.50 My labor (w/o 10th \rightarrow 17 SAT)
 #61 } 750.00 Chas Labor (w/o 12th \rightarrow 17th SAT)
 #62 } 50.79 Material Spent. Due to Me

Due Notes 2333.29

CK Rwd 2500.00

9/23 16671 left

Due 50.79 Note
 (Ard) 27.81
~~78.00~~
~~76.00~~

(CK's Rwd CK 2500.00)
 9/23

#54 18.32 Depot S/C
 #55 $\leftarrow 6.11$ give back 59.00 Water off Store Credit S/C
 #56 $\leftarrow 27.21$ S/C
 #57 $\leftarrow 7.87$ S/C
 #58 11.23 Dump Fee S/C
 #59 $\leftarrow 28.83$ Gas for Car, Bn Master C

11,581.53 Total Spent
 + 2333.29 (2000 + 4000 + 2700 + 3000 + 2500)

13914.82 Spent
 14,200.00
 # 285.18 Left Owe Adam A/o 23/Sept (Have Not Billed Last ticket)
 (OVER \rightarrow)

#63 < 6.⁰⁰ > Depot Store (Card) S/C
#64 660.⁰⁰ My labor 19-24th & 4 Oct
#64 6.⁰⁰ Home Depot Caulk for Bat. Sink S/C

14,290.⁰⁰
14,200.⁰⁰ Spent A/O Oct 1 2005
(Checks: 2000, 4000, 2200, 3000, 2500)
\$90.⁰⁰ (Due)